IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22077 of 2005(C)

PETITIONER:

V.U.JOSEPH,
VELAKOMBIL HOUSE, EDAYAR P.O., KOOTHATTUKULAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.BIJU ABRAHAM

RESPONDENTS:

---

1. THE PRINCIPAL,
ST. PETER'S H.S.S. ELANJI, ELANJI P.O.,
PIN-686 665.

2. THE SUB TREASURY OFFICER,
SUB TREASURY, KOOTHATTUKULAM.

3. THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

ADDL.R4 & R5 IMPLEADED:

ADDL.R4. DEPUTY DIRECTOR OF EDUCATIOIN, KAKKANADU,ERNAKULAM

IMPLEADED AS ADDL.R4 AS PER ORDER DT.29/8/2005 IN IA.12861/05.

ADDL.R5. RAMAPURAM AIDED SCHOOL EMPLOYEES CO-OPERATIVE SOCIETY LTD.NO. K.392, RAMAPURAM

IS SUO MOTU IMPLEADED AS PER ORDER ORDER DT. 29/8/2005.

BY ADV. SRI.ISSAC M.PERUMPILLIL
SRI.GEORGEKUTTY MATHEW
GOVERNMENT PLEADER SRI.P.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Learned counsel for the petitioner seeks permission to withdraw the Writ Petition. A memo to this effect has also been filed. Permission is granted. Memo is recorded and Writ Petition is dismissed as withdrawn.

25/7/2007 sd/- A.K. Basheer, Judge.

(true copy)

A.K.BASHEER, J.

W.P.(C)No.22077 OF 2005

Dated this the 16th day of July, 2007

ORDER

Having heard learned counsel for the parties for sometime, I am of the view that respondent no.5 has to necessarily file an additional counter affidavit.

2. According to the petitioner, he had paid off the entire liability to the society in 2005 as could be seen from Ext.P3. There is not even a reference to Ext.P3 in the counter affidavit filed by respondent no.5. Similarly, Ext.P2 shows that the writ petition filed by the Society was dismissed as infructuous. There is no reference to Ext.P2 judgment also in the counter affidavit in which it is averred by respondent no.5 that as on October 1st, 2006 there was a total liability of Rs.1,37,514/- to be recovered from the petitioner. The above contentions do not go in consonance with the two documents referred to above. Anyhow, a comprehensive affidavit with reference to the relevant records shall be filed by respondent no.5 within one week from today. The relevant file shall also be made available for perusal.

Call on 25.7.2007.

A.K.BASHEER, JUDGE

jes